

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
May 11, 2011**

53484.....53531

BUFFALO SEWER AUTHORITY

May 11, 2011

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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CALL OF THE ROLL

Present:	<u>Herbert L. Bellamy, Jr.</u>	<u>Chairman</u>
	<u>Christopher Roosevelt</u>	<u>Assistant Vice Chairman</u>
	<u>John E. Kennedy, Jr.</u>	<u>Assistant Secretary</u>
	<u>David P. Comerford</u>	<u>General Manager</u>
	<u>Ronald Brown</u>	<u>Executive Secretary</u>
	<u>James Eagan, PE</u>	<u>Sr. Sanitary Engineering Supervisor</u>
	<u>James Keller</u>	<u>Treatment Plant Superintendent</u>
	<u>Roberta Gaiek, PE</u>	<u>Treatment Plant Administrator</u>
	<u>Thomas Caulfield</u>	<u>Administrator of Capital</u>
	<u>Seema Somani</u>	<u>Improvements & Development</u>
	<u>Laura Surdej</u>	<u>City of Buffalo – Audit Dept.</u>
	<u></u>	<u>Erie Co. Dept. of Sewerage</u>
	<u></u>	<u></u>
	<u></u>	<u></u>
Absent:	<u>John D. Kennedy, Sr.</u>	<u>Vice Chairman</u>
	<u>Eleanor C. Wilson-DiVincenzo</u>	<u>Secretary</u>

The meeting was called to order at 9:00 AM. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of April 6, 2011

MOTION TO	<u>ADOPT</u>
MADE BY	<u>MR. KENNEDY, JR.</u>
2 ND BY	<u>MR. ROOSEVELT</u>
AYES	<u>3</u> NOES <u>0</u>

Board Meeting of May 11, 2011

ITEM NO. 2

INFORMATIVE: TEMPORARY INVESTMENTS (CERTIFICATES OF DEPOSIT AND TREASURY BILLS)

May 2, 2011

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	0.45%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$35,747,740.15	Chase	0.45%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,006,945.83	Chase	0.45%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$3,408,832.45	Chase	0.45%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$34,823.92	Chase	0.45%	High Yield
SURPLUS FUND						
			\$252.20	MTB Funds		
25-Feb-11	30-Jun-11	125	\$6,049,585.62	M&T Securities	0.21%	\$4,414.38
			<u>\$6,049,837.82</u>			
NET REVENUE FUND						
			\$512.77	MTB Funds		
25-Feb-11	25-May-11	89	\$2,499,948.88	M&T Securities	0.17%	\$1,051.12
25-Feb-11	30-Jun-11	125	\$2,399,249.27	M&T Securities	0.21%	\$1,750.73
25-Mar-11	30-Jun-11	97	\$4,499,573.92	M&T Securities	0.20%	\$2,426.08
25-Apr-11	30-Jun-11	66	\$5,499,487.23	M&T Securities	0.15%	\$1,512.77
			<u>\$14,898,772.07</u>			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
DEBT RESERVE FUND						
30-Apr-10	03-Jun-11	399	\$1,007,669.72	Series F FHLB	0.42%	
30-Apr-10	10-Jun-11	406	\$333,570.61	Series F FHLB	0.42%	
01-Aug-08	06-Sep-13	1862	\$8,240,877.50	Series I FHLB	4.00%	
13-Mar-03	15-Apr-32		\$2,825,593.00	Series H SLG	4.35%	
04-Mar-04	15-Nov-33		\$774,061.00	Series J SLG	3.82%	
22-Jul-04	15-Feb-33		\$498,654.00	Series K SLG	4.63%	
27-Jul-06	01-Oct-35		\$952,666.00	Series L SLG	4.52%	

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Board Meeting of May 11, 2011

ITEM NO. 3

INFORMATIVE: REALLOCATION OF FUNDS

The following budgetary transfers have been made to cover unforeseen shortages. These transfers do not change the total amount of Buffalo Sewer Authority's operating budget.

Wastewater Treatment Plant

3/29/2011	00520106 Maintenance Services	-\$1,500.00	00370106 Centrifuge Services	\$1,500.00
3/29/2011	00410105 Hamburg Supplies	-\$2,745.00	00400105 South Supplies	\$2,745.00
3/30/2011	00520105 Maintenance Supplies	-\$2,480.00	00380105 Incinerator Supplies	\$2,480.00
4/1/2011	00520105 Maintenance Supplies	-\$2,109.75	00380105 Incinerator Supplies	\$2,109.75
4/1/2011	00520105 Maintenance Supplies	-\$4,562.00	00380105 Incinerator Supplies	\$4,562.00
4/5/2011	00340105 Thickener Supplies	-\$34,000.00	00360105 Dewater Supplies	\$34,000.00
4/7/2011	00300103 Blower Utilities	-\$300,000.00	00800106 Financial Services	\$300,000.00
4/7/2011	00380103 Incinerator Utilities	-\$700,000.00	00800106 Financial Services	\$700,000.00
4/11/2011	00520106 Maintenance Services	-\$500.00	00210106 RWWP Services	\$500.00
4/11/2011	00520106 Maintenance Services	-\$900.00	00400106 South Services	\$900.00
4/11/2011	00520106 Maintenance Services	-\$400.00	00410106 Hamburg Services	\$400.00
4/13/2011	00520105 Maintenance Supplies	-\$2,600.00	00200105 Plant Supplies	\$2,600.00
4/13/2011	00520105 Maintenance Supplies	-\$4,956.25	00380105 Incinerator Supplies	\$4,956.25
4/13/2011	00520106 Maintenance Services	-\$1,100.00	00200106 Plant Services	\$1,100.00
4/13/2011	00520106 Maintenance Services	-\$7,202.000	00550106 IWS Services	\$7,202.000
4/13/2011	00210105 RWWP Supplies	-\$615.52	00200105 Plant Supplies	\$615.52
4/14/2011	00520105 Maintenance Supplies	-\$24.00	00380105 Incinerator Supplies	\$24.00
4/14/2011	00520105 Maintenance Supplies	-\$69.35	00200105 Plant Supplies	\$69.35
4/14/2011	00520105 Maintenance Supplies	-\$40.00	00280105 SWWP Supplies	\$40.00
4/14/2011	00210105 RWWP Supplies	-\$880.70	00400105 South Supplies	\$880.70
4/14/2011	00380106 Incinerator Services	-\$2,500.00	00200106 Plant Services	\$2,500.00
4/14/2011	00520106 Maintenance Services	-\$230.89	00200106 Plant Services	\$230.89
4/14/2011	00340105 Thickener Supplies	-\$3,411.60	00320105 Chemical Supplies	\$3,411.60

4/14/2011	00210105 RWWP Supplies	-\$270.00	00400105 South Supplies	\$270.00
4/18/2011	00520105 Maintenance Supplies	-\$5.00	00200105 Plant Supplies	\$5.00
4/18/2011	00360103 Dewater Utilities	-\$600.00	00440103 Kelly F Utilities	\$600.00
4/19/2011	00340105 Thickener Supplies	-\$28,264.41	00240105 PSED Supplies	\$28,264.41
4/19/2011	00210105 RWWP Supplies	-\$5,242.71	00240105 PSED Supplies	\$5,242.71
4/20/2011	00220105 Screen Supplies	-\$5,094.38	00380105 Incinerator Supplies	\$5,094.38
4/21/2011	00290106 Aeration Services	-\$1,260.00	00200106 Plant Services	\$1,260.00
4/26/2011	00270105 Gas Supplies	-\$1,287.20	00200105 Plant Supplies	\$1,287.20
4/26/2011	00290105 Aeration Supplies	-\$276.00	00520105 Maintenance Supplies	\$276.00
4/27/2011	00290105 Aeration Supplies	-\$20,000.00	00210105 RWWP Supplies	\$20,000.00
4/27/2011	00300105 Blower Supplies	-\$4,553.64	00210105 RWWP Supplies	\$4,553.64
4/28/2011	00300105 Blower Supplies	-\$2,000.00	00210105 RWWP Supplies	\$2,000.00
4/28/2011	00330105 Final Supplies	-\$2,964.88	00210105 RWWP Supplies	\$2,964.88

Engineering Division

4/18/2011	00600104 Engineering Travel	-\$156.67	00600105 Engineering Supplies	\$156.67
4/18/2011	00600104 Engineering Travel	-\$241.70	00600105 Engineering Supplies	\$241.70

Sewer Maintenance Division

4/13/2011	00660107 Sewer Repair Capital Outlay	-\$2,500.00	00670107 Sewer Cleaning Capital Outlay	\$2,500.00
4/27/2011	00670105 Sewer Cleaning Supplies	-\$300.00	00660105 Sewer Repair Supplies	\$300.00

General Financial Charges

4/27/2011	00800183 Financial Contingency	-\$108.84	00650108 Sewer Maintenance Insurance	\$108.84
4/27/2011	00800183 Financial Contingency	-\$1,562.00	00110106 Administration Services	\$1,562.00
4/27/2011	00800183 Financial Contingency	-\$718.54	00650108 Sewer Maintenance Insurance	\$718.54

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Board Meeting of May 11, 2011

ITEM NO. 4

ADOPTION OF AMENDED "FINAL SCHEDULE OF SEWER RENTS AND OTHER CHARGES FOR 2011-2012"

WHEREAS: The Buffalo Sewer Authority, in the meeting of April 6, 2011, adopted a proposed "Schedule of Sewer Rents and Other Charges for 2011-2012" and authorized the publication of this notice, commencing April 11, 2011, once a week for three (3) consecutive weeks, in the Buffalo News; and

WHEREAS: The thirty-day period for inspection of the Schedule, and the filing of, has now expired; and

WHEREAS: No protests were filed; and

WHEREAS: It is now in order to adopt the "Final Schedule of Sewer Rents and Other Charges for 2011-2012"; and

WHEREAS: The proposed "Schedule of Sewer Rents and Other Charges for 2011-2012" includes no increases to sewer rents based on the assessed value of property, the levy of sewer rents based on assessed value remains unchanged from the previous year at \$12,050,000; and

WHEREAS: The proposed "Schedule of Sewer Rents and Other Charges for 2011-2012" also includes no increases to sewer rents based on the use of water. Metered accounts will continue to be charged \$11.09 per thousand cubic feet of water used, and there will be no increases to the charges on flat rate accounts.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby adopts the "Final Schedule of Sewer Rents and Other Charges for 2011-2012".

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. KENNEDY, JR.</u>
2 ND BY	<u>MR. ROOSEVELT</u>
AYES	<u>3</u> NOES <u>0</u>

Board Meeting of May 11, 2011

FINAL SCHEDULE OF SEWER RENTS
AND OTHER CHARGES
FOR 2011-2012

TO PROVIDE FUNDS FOR THE FIXED CHARGES AND FOR THE OPERATION AND MAINTENANCE OF THE ENTIRE SEWER SYSTEM IN THE CITY OF BUFFALO AND ALL OF THE BUFFALO SEWER AUTHORITY FACILITIES FOR THE CONVEYANCE, TREATMENT AND DISPOSAL OF SEWAGE AND STORM WATER OPERATED BY THE BUFFALO SEWER AUTHORITY.

I. SEWER RENTS FOR PREMISES SITUATED WITHIN THE LIMITS OF THE CITY OF BUFFALO

(a) \$12,050,000 shall be collected from all real property in the City of Buffalo (the "City") by apportioning the said amount upon such property within the City as the same is set down on the last completed annual assessment roll of the City, except that no *ad valorem* sewer rent shall be assessed against real property exempt from real property taxes pursuant to subdivision one of section four hundred, sections four hundred four, four hundred six, four hundred twelve, four hundred eighteen, subdivision one section four hundred twenty, section four hundred forty-six, four hundred fifty-two, four hundred sixty-two and four hundred seventy-seven of the New York Real Property Tax Law.

(b) In the event a person, lot, parcel of land, building or premises, other than a City department, situated within the limits of the City, discharging sewage, water or other liquids into the Buffalo Sewer Authority (the "Authority") sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board or from any other source, and the quantity of water used is measured by a water meter acceptable to the Authority, then in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge or rental, and the charge for such use shall be as follows: the first four thousand (4,000) cubic feet of water used per quarter year shall bear a sewer charge or rental of \$48.30, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot);

Provided that the minimum charge shall be \$16.10 per month if the meter is read monthly and \$48.30 per quarter year if the meter is read quarterly.

II. SEWER RENTS FOR PREMISES SITUATED OUTSIDE THE LIMITS OF THE CITY OF BUFFALO

(a) An annual service charge for the privilege of connecting with the facilities of the Authority shall be due for any premises situated outside the limits of the City for each \$1,000 of assessed valuation as determined on the last completed annual assessment, the same rate of \$2.71239 per \$1,000 of assessed valuation for 2011-2012.

(b) In the event a person, lot, parcel of land, building or premises, other than a City department, situated outside the limits of the City, discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board or from any other source, and the quantity of water used is measured by a water meter acceptable to the Authority, then in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge or rental, and the charge for such use shall be as follows: the first four thousand (4,000) cubic feet of water used per quarter year shall bear a sewer charge or rental of \$48.30, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot);

Provided that the minimum charge shall be \$16.10 per month if the meter is read monthly and \$48.30 per quarter year if the meter is read quarterly.

III. GENERAL PROVISIONS

(a) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board, and the quantity of water used is not measured by a water meter acceptable to the Authority, then the sewer charge or rental for all such accounts shall be in the respective amounts (expressed in dollars) set forth in Exhibit A, attached hereto and made a part hereof, as the Authority determines applicable to such person, lot, parcel of land, building or premises.

(b) In addition to all other rentals and charges provided herein, a monthly drainage connection service charge shall be due for any and all persons, lots, parcels of land, building or premises, other than a City department, that discharge sewage, water or other liquids into the Authority sewer system, either directly or indirectly, as follows:

1. A monthly charge of \$6.00 shall be due for all lots, parcels, land, buildings or premises where the quantity of water used is not measured by a meter acceptable to the Authority.
2. A monthly charge in the amounts set forth below shall be due for all lots, parcels, land, building or premises where the quantity of water used is measured by a meter acceptable to the Authority in accordance with the following meter size:

Residential Users		Non-Residential Users	
<u>Meter Size</u>	<u>Charge (\$)</u>	<u>Meter Size</u>	<u>Charge (\$)</u>
5/8 inch	6.00	5/8 inch	6.00
3/4 inch	6.00	3/4 inch	6.00
1 inch	6.00	1 inch	6.00
1 1/2 inch	6.00	1 1/2 inch	55.00
2 inch	6.00	2 inch	55.00
3 inch	55.00	3 inch	55.00
4 inch or larger	55.00	4 inch or larger	55.00

(c) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, which directly or indirectly, uses water obtained from a source other than the Buffalo Water Board, and the water so obtained is not measured by a water meter acceptable to the Authority, then, in each such case, the owner, user or other interested party shall, at his own expense, furnish, install, and maintain a water meter or other water or sewage measuring device acceptable to the Authority and the quantity of water used, as measured by said meter, or as otherwise determined, shall be used to determine the sewer charge or rental and there shall be charged an amount determined as set forth in paragraphs II(a), III(a) and III(b) as the case may be.

(d) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, uses water in excess of 4,000 cubic feet per quarter year and it can be shown to the satisfaction of the Authority, that a portion of the water as measured by the water meter does not and cannot enter the Authority sewer system, then the Authority may determine in such manner as may be found practicable the percentage of metered water entering the Authority sewer system and the quantity of water used to determine the sewer charge or rental shall be that percentage, so determined, of the quantity of water measured by the water meter, or the Authority may require or permit the installation of additional meters or measuring devices in such a manner as to determine the quantity of water or sewage actually entering the Authority sewer system, in which case the quantity of water used to determine the sewer charge or rental shall be the quantity of water actually entering the Authority sewer system and so determined.

(e) In the event a person, lot, parcel of land, building or premises discharges sewage or other wastes into the Authority sewer system which, in the opinion of the Authority, contain unduly high concentrations or any substances which add to the operating costs of the Authority facilities, then the Authority may elect to establish and collect special rates of charge, based on the quantity of these substances, which rate of charge may be established and collected in such manner as the Authority may elect and such charge shall be paid to the Authority, or it may elect to exclude such sewage or other wastes from its facilities.

(f) As a condition of a Buffalo Discharge Elimination System Permit (BPDES), a user may be required to pay an industrial waste surcharge for discharging sewage or waste exhibiting a strength of sewage or waste greater than normal domestic sewage. The Industrial Waste Surcharge Formula reflecting the Treatment Plant unit costs for treatment of Biochemical Oxygen Demand (BOD₅) Total Suspended Solids (TSS) and Total Phosphate (TPO₄) is as follows:

$$\text{Surcharge} = 8.34 \text{ QMGY} (0.1226 (\text{BOD}_5\text{-250}) + 0.1666 (\text{TSS-250}) + 0.0203 (\text{TPO}_4\text{-15.35}))$$

\$0.1226 Cost/lb. for treatment of BOD₅

\$0.1666 Cost/lb. for treatment of TSS

\$0.0203 Cost/lb. for treatment of TPO₄

QMGY shall mean the annual total industrial and sanitary discharge - water retention.

BOD₅ shall mean the average concentration of BOD₅ in sewage or waste discharged to the Authority facilities.

TSS shall mean the average concentration of TSS in sewage or waste discharged to the Authority facilities.

TPO₄ shall mean the average concentration of TPO₄ in sewage or waste discharged to the Authority facilities.

Surchargeable concentrations are as follows:

BOD₅ - Over 250 mg/L; TSS - Over 250 mg/L; TPO₄ - Over 15.35 mg/L

This formula shall be applied in computing the Buffalo Industrial Waste Surcharge subsequent to July 1, 2010 and ending June 30, 2011 for all users that discharge sewage or waste exhibiting a strength of sewage or waste greater than normal domestic sewage. In addition, this formula with the above rates will be used to calculate all monthly, quarterly, semiannual, and annual accounts subsequent to July 1, 2011.

(g) Any person who violates the Sewer Regulations of the Authority or the conditions of the permits issued thereunder shall be subject to fines as specified in said regulations.

(h) Whenever sewage or other wastes result in conditions in the Authority sewer system as to cause blockage or a substantial reduction in the flow, charges for the work necessary to eliminate such blockage or reduction in flow may be made, based upon costs incurred by the Authority for labor, materials, equipment hire, insurances, and other overhead, against the owner of the property or premises that caused the discharge of such sewage or other wastes into the Authority sewer system.

(i) Where sewer facilities have been installed to serve improved and unimproved property and have been paid for in whole or in part by the Authority, a charge shall be made based on a proportionate share of the original cost, determined by the foot frontage of the parcel served, or by the area of such parcels, or by such other method the Authority determines to be equitable, as a condition to a permit for a connection to the Authority's facilities.

(j) An application and inspection fee of \$100.00 for a residential sewer permit, a \$200.00 fee for a commercial sewer permit, and a \$500.00 fee for an industrial sewer permit shall be paid at the time said application is filed with the Authority.

(k) An application fee of \$500.00 for review of stormwater pollution prevention plan and erosion and sediment control plans shall be paid at the time said application is filed with the Authority.

(l) All persons owning or operating a pump truck or other transport vehicle and desiring to discharge wastes, directly or indirectly, into the Authority's facilities shall first secure a valid Truckers Discharge Permit after paying an annual permit fee of \$120.00. In addition to said permit fee, a separate charge shall be billed based upon the quantity and character of the waste discharged and, if applicable, the point of discharge.

The following surcharge rates are hereby charged for such wastehaulers who are located outside the City:

DISCHARGE LOCATION	TOTAL SUSPENDED SOLIDS	BOD ₅	TOTAL PHOSPHATE
Inlet/South Buffalo Pump	\$0.1672/lb	\$0.1232/lb.	\$0.0203/lb.
Mixing Tank	\$0.1429/lb	\$0.0694/lb.	\$0.0203/lb.
Thickener/Digester	\$0.1567/lb	\$0.0759/lb.	\$0.0203/lb.

The above surcharge rates, along with costs incurred by the Authority when handling, testing, conveying, and administering each wastehauler, will be used to determine the cost per gallon of each wastestream. The wastehauler user charges for various wastestreams are as follows:

1. Septage and portable toilet wastes - The rate of \$0.052 per gallon discharged will be assigned to all permitted septage and portable toilet wastehaulers.
2. Grease trap wastes - The rate of \$0.10 per gallon discharged will be assigned to all permitted grease trap wastehaulers.
3. Sludge wastes - This rate will vary dependent on strength and volume. Sludge rates will be calculated using the parameter costs for the mixing tank location.
4. Miscellaneous Wastes - This rate will vary dependent on strength of waste, volume and discharge location.

These rates will be used for all permits effective July 1, 2011.

(m) In the event a person, lot, parcel of land, building or premises threatens to discharge or discharges sewage or waste into or near the Authority's publicly owned treatment works, either directly or indirectly, which in the opinion of the Authority will or is likely to bypass, upset, harm or endanger the facilities of the Authority, then such person or the owner or operator of such lot, parcel of land, building or premises shall pay to the Authority charges for any and all clean up, removal and remediation costs actually incurred by the Authority, including but not limited to labor, materials, equipment, insurances or laboratory services for the (i) containment or attempted containment of such discharge or threatened discharge, (ii) sampling and analysis of such discharge or threatened discharge, (iii) removal or attempted removal of such discharge or threatened discharge, (iv) taking of reasonable measures to prevent or mitigate damage to property, public health, safety or welfare, or (v) remediation, treatment, storage or disposal of such discharge or threatened discharge and all soils, water or structures affected by such discharge.

(n) All industrial users shall pay to the Authority a charge for the actual costs of analysis incurred by the Authority for the annual or other monitoring of any and all discharges of such industrial users.

(o) Any person who is granted a temporary permit to discharge into the facilities of the Authority shall pay a permit fee of \$500.00 to the Authority as a condition of the issuance of such permit.

(p) Except as otherwise defined herein, all terms and phrases used or contained in this schedule of sewer rents shall bear the same meaning and definition as set forth in the Authority's Sewer Use Regulations 21 N.Y.C.R.R. Part 10075 and New York Public Authorities Law Section 1175 *et seq.*

(q) Sewer rents and charges as herein provided shall be payable at the office of the Director of the Treasury for the City at Room 117, City Hall, Buffalo, New York 14202, or at such other location or address as may be set forth on the Authority's invoice, and shall become due and payable as follows:

1. So much of the sewer rents and charges as are based upon water use and the drainage connection service charge covering the respective premises, or such other charges as provided herein shall be due and payable, except as otherwise stated in this schedule or in such invoice, on the same day, one month following the month of the invoice billing date, and such invoice may be billed monthly, quarterly or as otherwise determined by the Authority; and
2. So much of the sewer rents and charges as are based upon the assessed valuation of chargeable real estate shall become due and payable from the first day of July 1938, and each year thereafter, and may be paid without interest on or before September 30th next succeeding.

(r) Such sewer rents and charges that remain unpaid after their respective due dates shall be charged interest, and such interest shall continue to be charged until such sewer rents and charges are paid in full, as follows: (i) sewer rents based upon assessed valuation of chargeable real estate that remain unpaid on October 1 of each year shall be charged interest at the rate of one and one-half percent (1.5%), and such sewer rents that remain unpaid shall be charged one and one-half percent (1.5%) for each month thereafter until paid; (ii) sewer rents based upon water use and drainage connection service charges shall be charged interest at the same rate as unpaid City taxes, to wit: four and one-half percent (4.5%) interest shall be added to amounts unpaid from the first through the thirtieth day after the due date, and thereafter one and one-half percent (1.5%) shall be added to all amounts that remain unpaid for each succeeding month; and (iii) all other sewer rents and charges of the Authority shall be charged interest at the rate of one and one-half percent (1.5%) per month if not paid by the due date stated on the invoice issued by the Authority.

(s) All persons and property served by the Authority shall be subject to paying reasonable costs and expenses, including attorney fees incurred in the collection of sewer rents and charges that remain unpaid, as may be determined by the Board of the Authority. In addition to any other remedy or provision hereof, the Authority reserves the right to engage in such collection activities, as it deems appropriate, for all accounts that remain unpaid after the due date. In consideration of such collection activities and to defray the cost thereof with respect to accounts based on water use and drainage connection service, the person or property served by the Authority may pay an additional charge of twenty-one percent (21%) of the amount of each such delinquent account, together with interest as provided herein, that remains unpaid for more than (i) one hundred twenty (120) days from the due date for metered accounts, and (ii) two hundred ten (210) days from the due date for non-metered flat rate accounts. Due date, as used herein, means the date that the Authority's sewer rent and other charges are due and payable pursuant to III (q) (1) and III (q) (2), herein, respectively.

(t) Invoice statements shall be mailed or delivered to the address of the owner or user, as the case may be, as such address appears on the Authority's records. Such mailing or delivery is a matter of convenience. Failure of an owner or user to receive an invoice statement shall not release such owner or user from the obligation to pay such invoice statement, together with any other charges and interest which may accrue on unpaid amounts.

(u) All invoices shall be paid in United States dollars and may be paid by cash, check or MasterCard and Visa at Room 117, City Hall, Buffalo, New York or such other location or address as may be provided on such invoice, by internet, or by telephone as set forth on the invoice. All persons who pay by credit or debit card made through the City of Buffalo Website shall pay the Authority a charge of the greater of two percent (2%) of the amount paid, or two dollars (\$2.00) for each credit card payment transaction as a handling charge. Also, all persons who pay by debit or check cards shall pay the Authority a two dollar (\$2.00) charge for each such transaction as a convenience fee. Multiple payments in the same transaction will be charged the convenience fee only once. The convenience fee will be added automatically to each transaction.

IV. LIEN OF SEWER RENT

From and after the due date thereof, such sewer rents and charges, together with any interest and collection costs shall constitute a lien upon the real property served by the facilities. Such lien shall have the same priority and superiority as the lien of the general tax of the City.

V. EFFECTIVE DATE OF THIS SCHEDULE

This schedule of sewer rents and other charges shall become effective July 1, 2011; provided, however, that the sewer rents and other charges herein set forth, applicable to water use, shall become effective on all billings on and after August 1, 2011, excepting only monthly metered accounts for July 2011, and Section "W" of the quarterly metered accounts for the period May, June, and July 2011, which shall be billed according to the schedule of rents in effect prior to July 1, 2011.

Exhibit A

Stories High:	1	1 ½	2	2 ½	3	4	5
Under 25 ft	21.65	24.38	29.76	35.17	37.84	40.57	45.97
From 25 ft to 30 ft	24.38	29.76	35.17	37.84	40.57	45.97	51.35
From 31 ft to 35 ft	29.76	35.17	37.84	40.57	45.97	51.35	56.74
From 36 ft to 40 ft	35.17	37.84	40.57	45.97	51.35	56.74	59.44
From 41 ft to 45 ft	37.84	40.57	45.97	51.35	56.74	59.44	62.12
From 46 ft to 50 ft	40.57	45.97	51.35	56.74	59.44	62.12	67.56

The Following Rates Apply To More Than One Family Homes or Housekeeping:

1 Family	21.65
2 Families	43.29
3 Families	64.94
4 Families	86.58
5 Families	108.03
6 Families	129.87

Bathtubs & Showers *Bathtubs with attached showers are charged for only bathtubs

1 Bathtub	5.45
2 Bathtubs	10.91
3 Bathtubs	16.36
4 Bathtubs	21.81
5 Bathtubs	27.27
6 Bathtubs	32.72
7 Bathtubs	38.17
8 Bathtubs	43.63
9 Bathtubs	49.08

Toilets:	1 Family	2 Family	3 Family	4 Family	5 Family	6 Family
1 Toilet	10.86					
2 Toilets	19.15	21.73				
3 Toilets	27.43	30.01	32.59			
4 Toilets	35.72	38.30	40.88	43.46		
5 Toilets	44.00	46.58	49.16	51.74	54.32	
6 Toilets	52.29	54.87	57.45	60.03	62.61	65.19
7 Toilets	60.57	63.15	65.73	68.31	70.89	73.47
8 Toilets	68.86	71.44	74.02	76.60	79.18	81.76
9 Toilets	77.14	79.72	82.30	84.88	87.46	90.04
Each Additional Toilet	8.28					

Border or Roomer

1	4.13
2	8.26
3	12.38
4	16.51

Office with Water: 21.65

Office without Water: 10.86

Hot Water Heating Billed in November & February:

1	10.84
2	21.67
3	32.51
4	43.35
5	54.18
6	65.02
7	75.86
8	86.69

Car in Garage:

1 Car
2 Cars
3 Cars
4 Cars
5 Cars
6 Cars
7 Cars
8 Cars

Garage w/out Water

10.84
21.67
32.51
43.35
54.18
65.02
75.86
86.69

Garage w/Water

21.66
43.32
64.98
86.69
108.30
129.96
151.62
173.28

ITEM NO. 5

AMEND BOARD RESOLUTION ITEM NO. 12 OF BOARD MEETING APRIL 6, 2011

WHEREAS: On April 6, 2011, the Board of the Buffalo Sewer Authority authorized the General Manager to increase Blanket Order No. 21100064 with Triad Synergy Group for the purchase of various gloves used at the Treatment Plant by \$3,262.80, from \$9,950.00 to **\$13,202.37**; and

WHEREAS: This Resolution needs to be amended due to a mathematical error.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes Resolution Item No. 12 of the Board Meeting of April 6, 2011, be amended to read as follows:

“That the Board of the Buffalo Sewer Authority authorizes the General Manager to increase Blanket Order No. 21100064 by \$3,262.80, from \$9,950.00 to **\$13,212.80**. Funds for this change order will be charged to account no. 00200105-461145.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, JR.

AYES 3 NOES 0

Board Meeting of May 11, 2011

ITEM NO. 6

TRAVEL AUTHORIZATION - NEW YORK, NEW YORK

WHEREAS: The Buffalo Sewer Authority is interested in exploring several new technologies and green infrastructure initiatives that may provide considerable cost-savings to the Authority; and

WHEREAS: The New York City Department of Environmental Protection has begun work on its Sustainable Green Infrastructure Plan; and

WHEREAS: The City of New York, New York utilizes “real time control” strategies and green infrastructure to reduce combined sewer overflows and storm water runoff in the region; and

WHEREAS: The General Manager and Secretary to the General Manager desire to make site visits from May 23-24, 2011, to New York, New York to observe and evaluate these programs for potential cost-saving opportunities for the Buffalo Sewer Authority.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes travel for the General Manager and Secretary to the General Manager to travel to New York, New York, from May 23-24, 2011 at a total cost not to exceed \$1,200.00. Funds are available in account nos. 00110104-458010.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of May 11, 2011

ITEM NO. 7

TRAVEL AUTHORIZATION - BOLTON LANDING, NEW YORK

WHEREAS: The New England Water Environment Association (NEWEA) and the New York Water Environment Association (NYWEA) will be hosting a joint Spring Meeting and Exhibit at The Sagamore Resort in Bolton Landing, New York, from June 5 - 8, 2011, covering various environmental and operational issues relevant to the Authority; and

WHEREAS: The General Manager, Secretary to the General Manager and Treatment Plant Administrator need to remain current with environmental and operational issues. This joint meeting provides an excellent opportunity to meet and discuss parallel issues that affect members of these associations; and

WHEREAS: The General Manager recommends attendance at the 2011 Spring Meeting and Exhibit on June 6, 2011.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager, Secretary to the General Manager and Treatment Plant Administrator to travel to Bolton Landing, New York, from June 5 – 6, 2011, to attend the 2011 NEWEA and NYWEA joint Spring Meeting and Exhibit at a total cost not to exceed \$900.00. Funds are available in account nos. 00110104-458010, 00110104-458012, 00200104-458010 and 00200104-458012.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of May 11, 2011

ITEM NO. 8

AUTHORIZATION FOR RENEWAL OF CONTRACT FOR ENERGY CONSULTING SERVICES

WHEREAS: The Buffalo Sewer Authority requires the services of an energy commodities procurement geared to minimize financial risk and maximize savings; and

WHEREAS: On April 7, 2010, the Board authorized the General Manager to enter into and execute a Professional Services Agreement with United Energy for Energy Procurement for the period July 1, 2010 through June 30, 2011, at an annual base fee of \$36,000.00, plus a cost of 20% of savings realized (for a cumulative total equal to or less than \$150,000.00) and a cost of 25% of savings realized (for a cumulative total greater than \$150,000.00), with an option to renew for two (2) one-year periods; and

WHEREAS: United Energy has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2011-2012; and

WHEREAS: The General Manager and his committee recommend approval of this extension for fiscal year 2011-2012.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the contract with United Energy for Energy Procurement for the period July 1, 2011 through June 30, 2012 at an annual base fee of \$36,000.00, plus a cost of 20% of savings realized (for a cumulative total equal to or less than \$150,000.00) and a cost of 25% of savings realized (for a cumulative total greater than \$150,000.00. Expenses for the cost will be charged to account nos. 00380103-441001 and 00380106-432004.

MOTION TO	_____	APPROVE	_____
MADE BY	_____	MR. KENNEDY, JR.	_____
2 ND BY	_____	MR. ROOSEVELT	_____
AYES	_____	3	NOES _____ 0

Board Meeting of May 11, 2011

ITEM NO. 9

NYS PREFERRED SOURCE - JANITORIAL SERVICES CONTRACT RENEWAL

WHEREAS: New York State Industries for the Disabled (NYSID) is a not-for-profit corporation appointed by the New York State Department of Education to secure and administer contracts on behalf of community rehabilitation agencies. NYSID is a New York State preferred source under Section 162 of the State Finance Law. This preferred source status authorizes state and local governments to utilize and purchase NYSID products and services without competitive bidding; and

WHEREAS: The Buffalo Sewer Authority utilized a contract with NYSID through their member agency, Phoenix Frontier, Inc., during the period July 1, 2010 to June 30, 2011, to perform janitorial services at the Buffalo Sewer Authority facilities; and

WHEREAS: Phoenix Frontier, Inc., has performed these services in a satisfactory manner; and

WHEREAS: The General Manager, Treatment Plant Superintendent, and staff recommend renewal of this contract for janitorial services for fiscal year 2011-2012.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract renewal with NYSID through its member agency, Phoenix Frontier, Inc., to perform janitorial services at the Buffalo Sewer Authority facilities for a one-year period from July 1, 2011 to June 30, 2012, at a total cost not to exceed \$74,900.79. Expenses for this contract will be charged to account nos. 00110106-434000, 00200106-434000, and 00650106-434000.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. KENNEDY, JR.</u>
2 ND BY	<u>MR. ROOSEVELT</u>
AYES	<u>3</u> NOES <u>0</u>

Board Meeting of May 11, 2011

ITEM NO. 10

AUTHORIZATION TO PURCHASE VARIOUS LABORATORY SUPPLIES UNDER STATE CONTRACT FOR FISCAL YEAR 2011-2012

- WHEREAS: Board approval is required on purchases over \$10,000.00; and
- WHEREAS: The Buffalo Sewer Authority's Laboratory utilizes State Contract pricing to purchase various laboratory supplies from VWR Scientific. Other departments also utilize VWR Scientific for various State Contract purchases; and
- WHEREAS: Based upon historical purchases from VWR Scientific the Treatment Plant Superintendent and staff recommend approval for purchases anticipated for fiscal year 2011-2012 in an amount not to exceed \$35,000.00.
- NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to utilize State Contract pricing, when applicable, to purchase various supplies from VWR Scientific for the period July 1, 2011 to June 30, 2012, at a total cost not to exceed \$35,000.00. Expenses for these purchases will be charged to the appropriate accounts.

MOTION TO	<u>APPROVE</u>		
MADE BY	<u>MR. KENNEDY, SR.</u>		
2 ND BY	<u>MR. ROOSEVELT</u>		
AYES	<u>3</u>	NOES	<u>0</u>

Board Meeting of May 11, 2011

ITEM NO. 11

AUTHORIZATION TO INCREASE BLANKET ORDER NO. 21100080 FOR SECURITY GUARD SERVICES

- WHEREAS: On April 7, 2010, the Board of the Buffalo Sewer Authority authorized the final extension of the formal contract with Morris Protective Services, for security guard services at the Treatment Plant at a cost of \$12.77 per hour, up to a maximum annual amount of \$223,730.40 for fiscal year July 1, 2010 to June 30, 2011; and
- WHEREAS: The NYS Department of Transportation shut down the operation of the Ferry Street Bridge from November 29, 2010 to March 29, 2011, due to emergency repairs needed; and
- WHEREAS: In order to facilitate egress from the Treatment Plant the Safety Officer and General Manager requested Morris Protective Services to supply an additional guard for thirty (30) minutes at the end of each workday during construction at an overtime rate of \$19.16 per hour as permitted in the current contract; and
- WHEREAS: The Ferry Street Bridge will require additional construction work currently anticipated in May 2011; and
- WHEREAS: The total cost of overtime for the additional guard service needed through the current fiscal year, June 30, 2011, is anticipated not to exceed \$1,100.00; and
- WHEREAS: The Treatment Plant Superintendent, Safety Officer and staff recommend an increase of \$1,100.00 to Blanket Order No. 21100080 with Morris Protective Services, from \$223,730.40 to \$224,830.40 for this additional service.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to approve a change order in the amount of \$1,100.00, increasing Blanket Order No. 21100080 with Morris Protective Services, from \$223,730.40 to \$224,830.40 for overtime guard services needed through June 30, 2011. Funds for this change order will be charged to account no. 00200106-434000.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of May 11, 2011

ITEM NO. 12

AUTHORIZATION TO INCREASE BLANKET ORDER NO. 21100134 FOR ANALYTICAL SERVICES

WHEREAS: On April 7, 2010, the Board of the Buffalo Sewer Authority authorized the General Manager to renew the contract with IsleChem, LLC, to provide analytical services for the period July 1, 2010 to June 30, 2011, up to a maximum amount of \$46,452.00; and

WHEREAS: Blanket Purchase Order No. 21100134 was established for this service for fiscal year 2010-2011; and

WHEREAS: The Industrial Waste Administrator and the Laboratory Director have a need for additional analytical services due to mercury minimization monitoring requirements and the unforeseen samples needed for a disinfection interference event for this fiscal year and request an increase in the amount of \$15,000.00 to Blanket Purchase Order No. 21100134, from \$46,452.00 to \$61,452.00; and

WHEREAS: The Treatment Plant Superintendent, Laboratory Director, and staff recommend this increase.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to increase Blanket Purchase Order No. 21100134 in the amount of \$15,000.00, from \$46,452.00 to \$61,452.00, for analytical services from IsleChem, LLC, for fiscal year 2010-2011. Funds for this change order will be charged to account no. 00550106-432004.

MOTION TO	_____	APPROVE	_____
MADE BY	_____	MR. ROOSEVELT	_____
2 ND BY	_____	MR. KENNEDY, JR.	_____
AYES	_____	3	NOES _____ 0

Board Meeting of May 11, 2011

ITEM NO. 13

AUTHORIZATION TO INCREASE BLANKET ORDER NO. 21100078 FOR THE PURCHASE OF POLYMER

WHEREAS: On February 10, 2010, the Board of the Buffalo Sewer Authority awarded a contract to Polydyne, Inc., for the purchase of dewatering polymer, Clarifloc NE-1741, at a total cost of \$0.875/lb., and for thickening polymer, Clarifloc C-311W, at a cost of \$0.105/lb. for a two-year period, July 1, 2010 to June 30, 2012, with an option to renew for three (3) one-year periods at a total annual estimated cost not to exceed \$910,000.00 for each respective fiscal year 2010-2011 and 2011-2012. Further authorization was given for the purchase of two (2) sludge dewatering polymer blending units in the amount of \$44,000.00 for fiscal year 2010-2011; and

WHEREAS: Blanket Purchase Order No. 21100078 was established for fiscal year 2010-2011 in the amount of \$954,000.00; with total estimated costs for dewatering and thickening polymer not to exceed \$910,000.00 and \$44,000.00 for the blending units which have been purchased and installed in this current fiscal year; and

WHEREAS: Additional dewatering polymer is needed in order to meet Treatment Plant operations through the end of June 2011, necessitating an increase to this contract in the amount of \$53,000.00; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, and staff recommend an increase to Blanket Order No. 21100078 of \$53,000.00, from \$954,000.00 to \$1,007,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to increase Blanket Order No. 21100078 by \$53,000.00 from \$954,000.00 to \$1,007,000.00. Funds for this change order will be charged to account no. 00360105-467044.

MOTION TO	_____	APPROVE	_____
MADE BY	_____	MR. KENNEDY, JR.	_____
2 ND BY	_____	MR. ROOSEVELT	_____
AYES	_____	3	NOES _____ 0

Board Meeting of May 11, 2011

ITEM NO. 14

AUTHORIZATION FOR PURCHASE OF ADDITIONAL MOYNO PARTS FOR FISCAL YEAR 2010-2011

- WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority designated Moyno, Inc., the original equipment manufacturer, and/or their local representatives as a sole source for the purchase of Moyno brand pumps and parts for the Treatment Plant; and
- WHEREAS: On July 28, 2010, the Board authorized total purchases up to \$120,000.00 for Moyno brand pumps and parts for fiscal year 2010-2011; and
- WHEREAS: Total expenditures to date for Moyno brand pumps and parts are \$45,870.70; and
- WHEREAS: The Principal Chief Stationary Engineer has determined a need for additional restock of Moyno brand parts. A quote was requested and received from Shrier-Martin Process Equipment, the authorized local representative in the amount of \$74,109.20, plus freight estimated not to exceed \$1,200.00, for the needed restock; and
- WHEREAS: This purchase of \$75,309.20 which includes the estimated freight of \$1,200.00, will bring total monies payable for Moyno brand pumps and parts to \$121,179.90; and
- WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff recommend these additional restock Moyno brand parts and request Board approval for total purchases for Moyno brand parts for fiscal year 2010-2011 be increased from \$120,000.00 to \$121,179.90.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the needed restock Moyno parts from Shrier-Martin Process Equipment in the amount of \$74,109.20, plus freight estimated not to exceed \$1,200.00, with total purchases for fiscal year 2010-2011 not to exceed \$121,179.90. This purchase will be charged to account nos. 00240105-466107 and 00340105-466107.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of May 11, 2011

ITEM NO. 15

AUTHORIZATION FOR PURCHASES AND SERVICES FOR CENTRIFUGES FOR FISCAL YEAR 2010-2011

- WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority designated GEA Westfalia Separator, Inc., the original equipment manufacturer, and/or their authorized local representative, as a sole source for the purchase of various replacement parts, supplies, and service on the Westfalia centrifuges located at the Treatment Plant; and
- WHEREAS: On December 1, 2010, the Board authorized the purchase of centrifuge parts from GEA Westfalia Separator, Inc., at a cost of \$36,284.84, plus freight estimated not to exceed \$200.00; and
- WHEREAS: On February 16, 2011, the Board authorized total services payable to GEA Westfalia Separator, Inc., not to exceed \$40,000.00 for fiscal year 2010-2011; and
- WHEREAS: Centrifuge No. 2 is out of service due to the failure of the primary and secondary gear drives; and
- WHEREAS: The Principal Chief Stationary Engineer requested and received a quote from GEA Westfalia Separator, Inc., for the needed parts in the amount of \$110,903.95, plus any incurred freight and service to install the gear drives in the amount of \$5,000.00. An additional quote was requested and received for service on the existing primary gear in the amount of \$60,272.64; and
- WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, Principal Chief Stationary Engineer, and staff recommend these purchases and services and request Board approval for payment to GEA Westfalia Separator, Inc., for fiscal year 2010-2011 for total purchases not to exceed \$155,000.00 and for total services not to exceed \$130,000.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the necessary gear drives for Centrifuge No. 2 in the amount of \$110,903.95, plus any incurred freight and service to install the gear drives in an amount not to exceed \$5,000.00, with total purchases for fiscal year 2010-2011 not to exceed \$155,000.00. The Board further authorizes the General Manager for services needed from GEA Westfalia Separator, Inc., for fiscal year 2010-2011 in an amount not to exceed \$130,000.00. Account no. 02000273-490740 will be charged for the purchases and services.

MOTION TO APPROVE
MADE BY MR. ROOSEVELT
2ND BY MR. KENNEDY, JR.
AYES 3 NOES 0

Board Meeting of May 11, 2011

ITEM NO. 17

AUTHORIZATION FOR SERVICE AND COMPRESSOR PARTS FOR FISCAL YEAR 2010-2011

WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority designated Cameron Compression Systems, the original equipment manufacturer, and/or their local representatives on record, as a sole source for equipment repairs and supplies for the Cooper turbo air and C-8 series compressors located at the Treatment Plant; and

WHEREAS: The Principal Chief Stationary Engineer has determined that the stage coolers and bearings need to be refurbished on Turbo Compressor No. 4; and

WHEREAS: Comairco Equipment, Inc., the authorized local representative, has submitted a quote in the amount of \$60,564.11 for parts and labor to perform this needed service; and

WHEREAS: Monies payable to date to Comairco Equipment, Inc., in fiscal year 2010-2011 are \$11,842.50. This service will bring the total monies payable for services to \$72,406.61; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff reviewed the quote received and recommend this service and further recommend approval for a total monies payable to Comairco Equipment, Inc., not to exceed \$75,000.00 for fiscal year 2010-2011; and

WHEREAS: Board approval is required on services over \$20,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to utilize the services of Comairco Equipment, Inc., for the refurbishment of the stage coolers and bearings on Turbo Compressor No. 4, at a cost of \$60,564.11 and further authorizes total monies payable to Comairco Equipment, Inc., for fiscal year 2010-2011 not to exceed \$75,000.00. This service repair will be charged to account no. 00380106-443301.

MOTION TO	<u>APPROVE</u>	
MADE BY	<u>MR. KENNEDY, JR.</u>	
2 ND BY	<u>MR. ROOSEVELT</u>	
AYES	<u>3</u>	NOES <u>0</u>

Board Meeting of May 11, 2011

ITEM NO. 19

REPORT ON BIDS RECEIVED - WASTE HAULING SERVICES

WHEREAS: Formal bids were advertised and solicited for Various Waste Hauling Services including the Removal and Disposal of: Aeration System Grit, Incinerator Ash, Sewage Grit, Sewage Screenings, and Trash for a one-year period, July 1, 2011 through June 30, 2012, with an option to renew for three (3) one-year periods; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on April 28, 2011:

Aeration Grit	Price per ton based on estimated 300 tons	Total annual cost based on estimated quantity
Geiter Done of WNY, Inc.	\$46.94	\$14,082.00
Modern Disposal Services, Inc.	\$51.81	\$15,543.00
Allied Waste Niagara Falls Landfill, LLC	\$61.70	\$18,510.00
Casella Waste Management of NY, Inc.		No response
National Vacuum Corp.		No response

: and

Incinerator Ash	Price per ton based on estimated 7,000 tons	Wait charges (Per 15 min)	No Load Fee	Total annual cost based on estimated quantity
Allied Waste Niagara Falls Landfill, LLC	\$42.49	\$17.50	\$170.00	\$297,430.00
Geiter Done of WNY, Inc.	\$46.72	\$17.50	\$95.00	\$327,040.00
Modern Disposal Services, Inc.	\$48.78	\$24.00	\$100.00	\$341,460.00
Casella Waste Management of NY, Inc.				No response
National Vacuum Corp.				No response

; and

Sewage Grit	Price per ton based on estimated 300 tons	Total annual cost based on estimated quantity
Modern Disposal Services, Inc.	\$57.57	\$17,271.00
Allied Waste Niagara Falls Landfill, LLC	\$61.70	\$18,510.00
Geiter Done of WNY, Inc.		No bid
Casella Waste Management of NY, Inc.		No response
National Vacuum Corp.		No response

; and

Sewage Screenings	Price per ton based on	Total annual cost based on
--------------------------	------------------------	----------------------------

	estimated 550 tons	estimated quantity
Geiter Done of WNY, Inc.	\$46.72	\$25,696.00
Allied Waste Niagara Falls Landfill, LLC	\$56.05	\$30,827.50
Modern Disposal Services, Inc.	\$56.78	\$31,229.00
Casella Waste Management of NY, Inc.		No response
National Vacuum Corp.		No response

; and

Trash	Price per ton based on estimated 200 tons	Total annual cost based on estimated quantity
Allied Waste Niagara Falls Landfill, LLC	\$61.70	\$12,340.00
Geiter Done of WNY, Inc.	\$77.50	\$15,500.00
Modern Disposal Services, Inc.	\$84.44	\$16,888.00
Casella Waste Management of NY, Inc.		No response
National Vacuum Corp.		No response

; and

WHEREAS:

The Treatment Plant Superintendent, Treatment Plant Administrator, Principal Chief Stationary Engineer, and staff reviewed the bids received and recommend the low bidders for each Waste Hauling Service:

Removal & Disposal of Aeration System Grit	Geiter Done of WNY, Inc. @ \$46.94/ton – \$14,082.00
Removal & Disposal of Incinerator Ash	Allied Waste Niagara Falls Landfill, LLC @ \$42.49/ton - \$297,430
Removal & Disposal of Sewage Grit	Modern Disposal Services, Inc. @ \$57.57/ton - \$17,271
Removal & Disposal of Sewage Screenings	Geiter Done of WNY, Inc. @ \$46.72/ton - \$25,696.00
Removal & Disposal of Trash	Allied Waste Niagara Falls Landfill, LLC @ \$61.70/ton - \$12,340.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute contracts for the various waste services as listed above to each of the low bidders for total costs not to exceed the estimated annual quantities for a one-year period, July 1, 2011 to June 30, 2012, with an option to renew for three (3) one-year periods. Expenses will be charged to the appropriate budgeted accounts for each waste hauling service.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of May 11, 2011

ITEM NO. 20

CHANGE ORDER NO. 1 – CONTRACT NO. 84900014

CONTRACTOR:	ORIGINAL CONTRACT COST	\$34,750.00
Malcolm Pirnie, Inc.	PREVIOUS CHANGE ORDER	-0-
50 Fountain Plaza, Suite 600	THIS CHANGE ORDER	<u>\$160,000.00</u>
Buffalo, New York 14202	ADJUSTED CONTRACT COST	\$194,750.00

WORK: Phase 2 – Design and Construction for Primary Bypass Chamber Hydraulic Improvements

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Scope of engineering services for Phase 2

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Phase 1 completed for modeling and evaluation. Phase 1 evaluation indicates that the desired hydraulic capacity improvements can be obtained by modifying the existing Primary Bypass Channel.

COST OF CHANGE OR EXTRA WORK:

Item #1	\$ 15,000.00	Basis of Design Report
	\$ 100,200.00	Design Phase Services
	\$ 8,800.00	Bidding Assistance
	\$ 36,000.00	Construction Phase Services

THE TOTAL COST OF THE CHANGE ORDER OR EXTRA WORK \$160,000.00

The total INCREASE to the contract as a result of this Change Order is \$160,000.00

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements remains unchanged.
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings designated none and under the provisions of the original contract, including compliance with applicable equipment specifications, general specifications, and project specifications for the same type of work.

- 3. This contract supplement unless otherwise provided herein does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.
- 4. The Contractor expressly agrees that he will place under coverage of his performance and payment bonds and Contractor’s Insurance all work covered by this contract supplement. The Contractor will furnish to the Owner evidence of increased coverage of his performance and payment bonds for the accrued value of all contract supplements that exceeds the original contract price by twenty percent (20%).
- 5. The costs established under this contract supplement are acknowledged as including any and all costs associated with the work described herein and including any and all costs associated with any and all work performed or to be performed by the Contractor that may be affected in any manner by the work described herein.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 84900014 as written in the above Agenda Item, increasing the contract cost in the amount of \$160,000.00, making the adjusted contract cost \$194,750.00.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of May 11, 2011

ITEM NO. 21

AUTHORIZATION TO INCREASE BLANKET ORDER NO. 21100069 FOR THE PURCHASE OF DIESEL FUEL

WHEREAS: On May 26, 2010, the Board of the Buffalo Sewer Authority authorized the General Manager to utilize New York State Contract pricing to purchase diesel fuel from NOCO Energy Corp. for the period July 1, 2010 to June 30, 2011, up to a maximum amount of \$56,500.00; and

WHEREAS: Blanket Purchase Order No. 21100069 was established for this purchase for the fiscal year 2010-2011; and

WHEREAS: The cost of diesel fuel has increased by more than \$1.00 per gallon during the current fiscal year. In order to accommodate the increasing cost and usage of diesel fuel, the Treatment Plant Superintendent and Director of Sewer Maintenance request an increase in the amount of \$11,000.00 to Blanket Purchase Order No. 21100069 from \$56,500.00 to \$67,500.00; and

WHEREAS: The Treatment Plant Superintendent, Director of Sewer Maintenance, and staff recommend this increase.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to increase Blanket Purchase Order No. 21100069 in the amount of \$11,000.00, from \$56,500.00 to \$67,500.00, for the purchase of diesel fuel from NOCO Energy Corp., for the fiscal year 2011-2012. Funds for this change order will be charged to account nos. 00690105-462600 and 00520105-462600.

MOTION TO	_____	APPROVE	_____
MADE BY	_____	MR. KENNEDY, JR.	_____
2 ND BY	_____	MR. ROOSEVELT	_____
AYES	_____	3	NOES _____ 0

Board Meeting of May 11, 2011

ITEM NO. 22

AUTHORIZATION TO PURCHASE VARIOUS NOZZLES AND SCRAPERS FOR THE COMBINATION SEWER CLEANING UNIT

WHEREAS: The Director of Sewer Maintenance, Assistant Sewer Maintenance Superintendent, and staff determined a need for replacement nozzles and scrapers for the Combination Sewer Cleaning Unit; and

WHEREAS: Informal bids were requested through the Authority's Purchase Department. The following bids were received from Foster's Equipment, Inc., and Joe Johnson Equipment with the acceptable low bids (**bolded***) for each item as follows:

ITEM NO.	BSA Maximo Inventory No. and (quantity)	Foster's Equipment, Inc.	Joe Johnson Equipment
1	00019442 (1)	\$645.00*	\$1,115.00
2	00020672 (1)	\$895.00*	\$1,170.00
3	00020673 (1)	\$1,285.00	\$893.00 *acceptable substitute
4	00020674 (2)	\$2,450.00 each x 2= \$4,900.00*	Substitute item not acceptable
5	00020675 (1)	Substitute item not acceptable	\$3,745.00*
Freight		None	Not to exceed \$75.00
Totals to be awarded*		\$6,440.00	\$4,638.00 plus freight

; and

WHEREAS: The Director of Sewer Maintenance, Assistant Sewer Maintenance Superintendent, and staff reviewed the quotes received and recommend the purchase of these replacement parts as indicated; and

WHEREAS: Board approval is required on this total purchase of over \$10,000.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the needed nozzles and scrapers for the Combination Sewer Cleaning Unit from the low bidder for each item needed; Foster's Equipment for items 1, 2, and 4 at a cost of \$6,440.00 and Joe Johnson Equipment for items 3 and 5 at a cost of \$4,638.00, plus freight estimated not to exceed \$75.00. Account no. 00670107-474100 will be charged for these purchases.

MOTION TO APPROVE
MADE BY MR. KENNEDY, JR.
2ND BY MR. ROOSEVELT
AYES 3 NOES 0

Board Meeting of May 11, 2011

ITEM NO. 23

AUTHORIZATION TO PURCHASE VARIOUS COMMODITIES UTILIZING NEW YORK STATE CONTRACT PRICING FOR FISCAL YEAR 2011-2012

WHEREAS: Board approval is required on purchases made over \$10,000.00; and

WHEREAS: The Sewer Maintenance Division purchases the following commodities available through New York State Contract pricing:

Product	NYS Contract	Current Vendor	Amount	Account No.
Automotive Replacement Parts	PC64001 Group: 30306	Uni-Select USA Inc. d/b/a Fleet Parts c/o: Capriotto Auto Parts Award: 21306-RM (through 7/31/13)	\$14,000.00	00690105-465001
Tires and Related Services	PC64867 Group: 30600	Goodyear Award: 21716-PF (through 10/31/14)	\$12,000.00	00690105-465001
Gasoline	PC64755 Group: 05600	Goetz Energy Corp. Award: 21712-PF (through 9/22/11)	\$105,000.00	00520105-462600 (\$40,000.00) 00690105-462600 (\$65,000.00)
Diesel Fuel	PC64666 Group: 05602	NOCO Energy Corp. Award: 21714-PF (through 8/11/11)	\$75,000.00	00520105-462600 (\$20,000.00) 00690105-462600 (\$55,000.00)

; and

WHEREAS: The Director of Sewer Maintenance and staff recommend the utilization of New York State Contract pricing for these purchases.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to utilize New York State Contract pricing to purchase the above commodities for the fiscal year 2011-2012 at a cost not to exceed the amounts listed and further authorizes any subsequent extensions of the above New York State Contract awards or new awards for the commodities listed for the fiscal year through June 30, 2012.

MOTION TO _____ APPROVE _____

MADE BY _____ MR. KENNEDY, JR. _____

2ND BY _____ MR. ROOSEVELT _____

AYES _____ 3 _____ NOES _____ 0 _____

Board Meeting of May 11, 2011

ITEM NO. 24

CHANGE ORDER NO. 1 – CONTRACT NO. 85000018

CONTRACTOR:	ORIGINAL CONTRACT COST	\$2,358,000.00
Man O' Trees	PREVIOUS CHANGE ORDER	0.00
1500 Union Road	THIS CHANGE ORDER	<u>\$39,115.41</u>
West Seneca, New York 14224	ADJUSTED CONTRACT COST	\$2,397,115.41

WORK: Hopkins Street Sanitary Sewer Replacement

WHEREAS: The Board of The Buffalo Sewer Authority at their meeting on January 6, 2010, authorized a contract with Man O' Trees Inc. for the Hopkins Street Sanitary Sewer Replacement at a cost not to exceed \$2,358,000.00; and

WHEREAS: During construction the BSA Engineering Department identified a need for several changes to the original design due to site conditions, including three (3) new manholes and several new receiver connections. In addition, the quantity of rock excavation exceeded the amount in the contract; and

WHEREAS: The cost of these modifications totals \$39,115.41; and

WHEREAS: The Senior Sanitary Engineering Supervisor and staff recommend an increase to this contract in an amount not to exceed \$39,115.41.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 85000018 as written in the above Agenda Item, increasing the contract cost in the amount of \$39,115.41, making the adjusted contract cost \$2,397,115.41.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. KENNEDY, JR.</u>
2 ND BY	<u>MR. ROOSEVELT</u>
AYES	<u>3</u> NOES <u>0</u>

Board Meeting of May 11, 2011

ITEM NO. 26

CONTRACT NO. 84900009

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

WORK: CSO 035 Sewer Separation

BID: \$3,993,000.00

CONTRACTOR: Man O' Trees Inc.
1500 Union Road
West Seneca, New York 14224

WHEREAS: The Board of the Buffalo Sewer Authority (BSA) at their meeting on July 18, 2008, authorized a contract with Man O' Trees Inc., for CSO 035 Sewer Separation at a cost not to exceed \$3,993,000.00; and

WHEREAS: Due to conditions found during construction the project needed to be redesigned resulting in a savings of \$413,950.44; and

WHEREAS: The Senior Sanitary Engineering Supervisor and staff have certified that the Contractor completed the work in accordance with the plans and specifications on December 2, 2009.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby finds and determines that:

- a. The work to be performed under the terms of the Contract has been complete and is accepted.
- b. The date of entrance and occupancy be fixed as of December 2, 2009.
- c. The maintenance period commence on December 2, 2009.
- d. Final payment be made to the Contractor in the amount of \$35,790.50, decreased by \$413,950.44, making the final cost of the contract \$3,579,049.56.

MOTION TO _____ APPROVE _____

MADE BY _____ MR. KENNEDY, JR. _____

2ND BY _____ MR. ROOSEVELT _____

AYES _____ 3 _____ NOES _____ 0 _____

Board Meeting of May 11, 2011

ITEM NO. 27

CONFIRMATION OF APPOINTMENTS

SEWER CONSTRUCTION INSPECTOR (PERMANENT)
ENGINEERING DEPARTMENT
\$53,823 PER ANNUM
EFFECTIVE: APRIL 11, 2011

SALVATORE LOTEMPIO, JR.
1104 SHEREE DRIVE
GRAND ISLAND, NY

INTERGOVERNMENTAL COORDINATOR (EXEMPT)
ADMINISTRATIVE OFFICES
\$42,000 PER ANNUM
EFFECTIVE: APRIL 11, 2011

SCOTT STEINWALD
176 SUMMIT AVE.
BUFFALO, NY

**WASTEWATER TREATMENT PLANT OPERATOR II
(PROVISIONAL)**
SEWAGE TREATMENT PLANT
\$18.98 PER HOUR
EFFECTIVE: APRIL 18, 2011

CHRISTOPHER BOGDAN
43 PEACE ST.
BUFFALO, NY

**WASTEWATER TREATMENT PLANT OPERATOR II
(PROVISIONAL)
SEWAGE TREATMENT PLANT
\$18.98 PER HOUR
EFFECTIVE: APRIL 18, 2011**

AMEER LUCAS
173 LOVERING AVE.
BUFFALO, NY

WHEREAS: The preceding appointments were made by the General Manager since the last Board Meeting; and

WHEREAS: The General Manager requests confirmation of each appointment.

NOW THEREFORE
BE IT RESOLVED: That the preceding appointments are hereby confirmed by the Board of the Buffalo Sewer Authority.

MOTION TO APPROVE
MADE BY MR. KENNEDY, JR.
2ND BY MR. ROOSEVELT
AYES 3 NOES 0

Board Meeting of May 11, 2011

ITEM NO. 28

TUITION REIMBURSEMENT

WHEREAS: In accordance with the Agreements between the Buffalo Sewer Authority and CSEA Local 815 and the Communications Workers of America, the following Buffalo Sewer Authority employee has applied for Tuition Reimbursement:

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
William Bortel	Skillworks, Inc.	Valves: Operation and Maintenance	100%	\$189.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Reimbursement totaling \$189.00. This Reimbursement will be charged to account no. 00800108-480214.

MOTION TO APPROVE
 MADE BY MR. KENNEDY, JR.
 2ND BY MR. ROOSEVELT
 AYES 3 NOES 0

Board Meeting of May 11, 2011

ITEM NO. 29

ADJOURNMENT OF MEETINGMOTION TO APPROVE MADE BY MR. KENNEDY, JR. 2ND BY MR. ROOSEVELT AYES 3 NOES 0

Board Meeting of May 11, 2011